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March 8, 2021

Judge Alvin K. Hellerstein  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

*Re: Joseph Fulda et al. v. Mark Eisenstadt et al., 20-cv-08846(AKH)(SN)*

Dear Judge Hellerstein:

I represent the plaintiff in the above referenced matter and am writing in response to the letter of Stephen Shore dated March 8, 2021 (Docket #50). This letter, which addresses a dispute between the parties was filed in violation of Your Honor's Individual Rules 2.B and 2.E. Plaintiff respectfully requests that this Court reject defendant's submission as violating Your Honor's individual rules. I have attempted to communicate with Mr. Shore about this letter and explain the applicability of Your Honor's Individual Rules but he has refused to withdraw his improper letter and submit either the required joint letter or wait for appropriate motion papers, thus necessitating this response.

As Mr. Shore's letter states, there is a dispute between the parties as to whether a valid settlement agreement is valid or not. Plaintiff informed defendants that we will be preparing a motion to enforce the valid settlement agreement and it appears that defendants are attempting to improperly request a pre-motion conference, rather than addressing the merits of the motion once filed, as required by Your Honor's Individual Rule 2.B. While this letter contains numerous factual inaccuracies, plaintiff would prefer to address these factual issues in the formal motion, as required, rather than litigate the merits in successive letters.

Plaintiff therefore respectfully requests that this Court reject defendant's letter as violating Your Honor's individual practices or, in the alternative, deny their request for a pre-motion conference and wait until the issue has been fully briefed.

Respectfully submitted,

Timothy C Parlatore, Esq.